IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3570 OF 2005

Sony L.Wadhwani ..Applicant

Vs.

State of Maharashtra & Ors. ..Respondents

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Mr. I.J.Nankani i/b Nankani & Associates for Applicant
Mr. S.R.Shinde, A.P.P. for the State
Mr.D.N.Salvi for Respondent no.2 and 3

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. Heard the learned advocate for the applicant, the learned A.P.P. for the State and learned advocate for respondent nos.1 and 2.

2. The applicant is seeking quashing of process issued by the learned Chief Metropolitan Magistrate in Case No.5/W/2000. In the said case process is issued under Sections 8(1), 892), 64(2) r.w. 56 of

Foreign Exchange Regulation Act, 1973 and 120-B of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within five weeks from today. The learned advocate for the respondent-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]